

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

PHIL JEMAR GRAHAM,)
)
Petitioner,)
)
vs.) Case No. 6:14-cv-03284-TLW
)
WARDEN CURZ,)
)
Respondent.)
)
_____)

ORDER

Petitioner Phil Jemar Graham (“Petitioner”), an inmate at Federal Correctional Institution Williamsburg, filed this pro se habeas petition pursuant to 28 U.S.C. § 2241. This matter is before the Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Kevin McDonald, to whom this case was assigned pursuant to 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(c), (D.S.C.). In the Report, the Magistrate Judge recommends that this Court dismiss the petition without prejudice and without requiring Respondent to file a return because Petitioner’s challenge to his conviction is properly brought through 28 U.S.C. § 2255. (Doc. #12). Petitioner’s objections to the Report were due by October 10, 2014. Petitioner failed to file objections, and this matter is ripe for review.

The Court is charged with conducting a de novo review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained therein. 28 U.S.C. § 636. However, in the absence of objections to the Report, the Court is not required to give any explanation for adopting the Magistrate Judge’s recommendation. See Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). In such a

case, “a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

In light of this standard, the Court has carefully reviewed the Report and concludes that it accurately summarizes the case and the applicable law. Accordingly, it is hereby **ORDERED** that the Report and Recommendation is **ACCEPTED**. (Doc. #12). For the reasons articulated by the Magistrate Judge, this petition is **DISMISSED** without prejudice and without requiring Respondent to file a return.

IT IS SO ORDERED.

s/ Terry L. Wooten

Terry L. Wooten

Chief United States District Judge

November 3, 2014
Columbia, South Carolina